

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Maria Erlinda C. Sarno

Reg. No. 37,436

11-8-06
Date of Deposit

In re Application of)
Edmundo Simental Rodriguez)
) Group Art Unit: 3751
Serial No. 10/518,217)
) Examiner: Khoa D. Huynh
Filed: 12/16/2004)
)
For: DISCHARGE VALVE COMPRISING)
A FLEXIBLE RINGED TUBE FOR)
TOILETS)

PETITION TO WITHDRAW AS ATTORNEY OF RECORD

Honorable Commissioner for Patents
P.O. 1450, Alexandria, VA 22313-1450

Sir:

On September 8, 2006, I filed an Amendment to respond to an Office Action dated 05/09/2006 with a month's extension fee of \$60.00. The deadline for responding without an extension fee was August 9, 2006. I filed the Amendment after numerous communications with the inventor, Edmundo Simental Rodriguez on the deadline to respond to the Office Action. When I did not receive the materials I needed in time for me to respond on or

before August 9, 2006, I informed them of the extension fee. Applicant sent me a few of the drawings I requested and asked his relative from Illinois, Mr. Luis Garibay to send me the fee I quoted to answer the Office Action. The response called for a lot of grammatical corrections, amendments to the specification using the information presented by the originally filed drawings and amendments to the drawings to more clearly describe the invention since this was an Application going National from a PCT Application. Mr. Garibay only sent the fee of \$60.00 according to Mr. Simental's instructions for the one month extension fee. I waited to the last minute for the drawings requested so I can respond with just a one month extension to minimize the cost to the Applicant. The Applicant also informed me that they would not want to pay the additional cost of another month's extension. I sent the proposed Amendment by email which was approved by Applicant. I ended up using whatever drawings that I had in hand (sent by Applicant but without the specific drawing I requested) and writing what I felt were the needed information to better understand the invention through the specification which would have been so easily depicted in the one drawing I requested but never came. I could have waited for another month since no payment for my fees were received but in good faith accepted the promise by Applicant through numerous emails that payment will be sent. I even offered that they can pay me in installment. There

were even emails sent that payment is underway after I filed the Amendment.

I sent the Applicant an email on Oct. 12, 2006 that I will withdraw as Attorney of Record for this Application and also called Mr. Garibay about this if I did not hear any word from them by October 20, 2006. Mr. Garibay informed me that he also communicated my message to Mr. Simental. A copy of the few emails relating to this are attached.

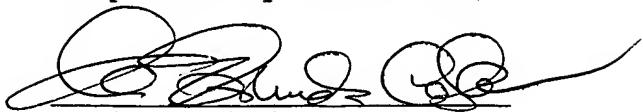
Due to the experienced difficulty in communicating and getting the requested information and drawings from the Applicant despite an English speaking relative, Mr. Garibay, assisting me in communicating with them and also now believing that the non-payment of fees are intentional, Attorney respectfully request the Office to accept the petition and notify me and Mr. Simental Rodriguez of your decision. There are no office action pending with this application. When granted, please send all future correspondence in relation to this application to the inventor:

Mr. Edmundo Simental Rodriguez
Ave Juarez 1305-4
La Paz 72760
Puebla, MEXICO
Tel. No.: 222-2465559

Please charge my deposit account 500255 if there is a fee due for this petition.

P.O. Box 1023
Artesia, CA 90702
Telephone: (562) 402-0418

Respectfully submitted,



Maria Erlinda C. Sarno
Attorney for Applicant
Registration No. 37,436

Subj: **RE: Fee**
Date: 9/21/2006 6:09:30 A.M. Pacific Standard Time
From: lgaribay@ckdusa.com
To: LindaSarno@aol.com, bsimental@yahoo.com.mx



Dear Linda,

I apologize for not getting back to you sooner,
I just got off the phone with my sister in Law Blanca and she tells me that unfortunately something came up that required her to use the money she had for you.
She will have the full amount to be put into your account at the latest within 1 week, it won't be 750 it will be the full amount 1500 USD to make up for this short delay and once again we apologize for the inconvenience and we hope to count with your understanding.

Thank you and best regards

Luis Garibay

From: LindaSarno@aol.com [mailto:LindaSarno@aol.com]
Sent: Sunday, September 17, 2006 5:26 AM
To: lgaribay@ckdusa.com; bsimental@yahoo.com.mx
Subject: Fee

Mr. Simental,

I have not received the wire transfer you said you were depositing right after I sent you my account. Please let me know so I can check with my bank.

Thank you,

Linda Samo, esq.

In a message dated 9/7/2006 10:11:40 A.M. Pacific Standard Time, bsimental@yahoo.com.mx writes:

I need your bank account number again bank address and sorting code so I can make the deposit right now please I have to make the deposit before 1:30 because they will not receive it after that hour. thank you I am waiting thank you

Yours Truly

Blanca Simental

Ave. Juarez 1305/4
Puebla, Pue. Mex.
Phone & fax (222)246 55 59

Mr. Simental,

Please forward payment. I was told by Mr. Garibay that you are mailing the full amount.

Thank you,

Linda Samo, esq.